



U.S. Department of Justice

United States Attorney  
Southern District of New York

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The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

September 9, 2020

**BY ECF**

The Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *United States v. Stephen M. Calk*, 19 Cr. 366 (LGS)

Dear Judge Schofield:

The Government respectfully writes, pursuant to the Court's Order dated August 10, 2020 (Dkt. 97), to provide an update on the Government's productions of additional discovery.

In the Government's letter dated August 7, 2020 (Dkt. 96), the Government noted that it had recently discovered certain Special Counsel's Office ("SCO") documents, and set forth its plan to review and produce them, and to determine the extent to which they were duplicative of discovery that had already been produced. In particular, the Government described (a) approximately 30,000 documents in an uncategorized portion of an FBI database (the "Uncategorized Documents"; *see id.* at 3-4), (b) its identification, in a broader review of the SCO's productions to Manafort, of several non-duplicative items (the "Manafort Productions"; *see id.* at 4-5); (c) its ongoing review of SCO productions to Manafort for non-duplicative material (the "Ongoing Review Materials"; *see id.* at 5); and (d) materials not in the Government's possession it was seeking to obtain (the "Materials to be Obtained"; *see id.* at 5 & n.10).

The Government has completed its production to the defense of the Uncategorized Documents and the Manafort Productions. The Uncategorized Documents, which were produced on August 18, 2020, consisted of 29,858 documents. Of these, the Government identified a narrower subset that the Government believed was most likely to contain relevant material. Within this subset, the Government further identified for the defense the documents that appeared to be non-duplicative of prior productions, which amounted to only 84 documents. The Manafort Productions, which were produced on August 13, 2020, consisted of 1697 documents, including 53 jail calls made by Manafort in his pretrial detention. Of these, the Government, at Calk's request, described to the defense the identities of certain parties to the conversation and advised the defense that it did not believe the calls contained any mention of Calk.

Regarding the Ongoing Review Materials, the Government's review to date has identified several potentially relevant non-duplicative pieces of evidence from electronic devices and accounts used by Paul Manafort and Richard Gates, and the Government has accordingly made two productions of such material to the defense, consisting of 201 documents and 437 documents, respectively. The Government's review of the Ongoing Review Materials continues as expeditiously as possible, and the Government will produce further relevant material as it becomes available. Furthermore, the Government is undertaking to deduplicate the Ongoing Review Materials, through both an automated deduplication process—at significant expense to the Government—and a manual review of the same material. The Government presently expects that the manual component of the deduplication process can be completed, and any appropriate productions made, within 30 days.<sup>1</sup> The Government does not know whether the automated deduplication process will be completed by then, but expects that the automated deduplication process will not be likely to result in the production of any significant volume of additional material (and, to the contrary, may result in confirmation that some of the material produced after the manual review is, in fact, duplicative of previously produced material).

Regarding the Materials to be Obtained, with one exception the Government either has acquired, or believes it will be able to acquire, each of these materials, but the full volume of Materials to be Obtained is still in the process of being transferred to the Government.<sup>2</sup> The Government expects based on its current understanding of these materials to be able to manually review them and make any necessary productions within the next 30 days, but acknowledges some uncertainty in this projection given that it has not yet obtained and had the opportunity to examine all of the materials.

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<sup>1</sup> As to the Ongoing Review Materials, the Government believes the maximum volume that might plausibly be produced through the manual deduplication process is approximately 200,000 pages and up to an additional approximately 122 GB of as-yet-unpaginated material. The Government believes that a significant portion of this volume is duplicative and hopes to substantially reduce the amount produced through the manual deduplication process, but the Government is prepared to produce the material without deduplication now if the defendant so requests.

<sup>2</sup> The Materials to be Obtained are: (1) an operable copy of an extraction report of an iPhone belonging to Jeffrey Yohai (the "Yohai iPhone Report"), (2) an electronic device used by Paul Manafort (in its August 7 letter, the Government erroneously described this device as belonging to Gates), (3) a production of materials from the Donald Trump presidential campaign that the Government believes will be largely duplicative of the materials it has already produced, and (4) certain SCO discovery productions to Manafort not produced to the Government as the result of an apparent copying error by personnel not associated with this Office. The Government has obtained or believes it will be able to obtain each of these with the exception of the Yohai iPhone Report; as to this document, the Government is obtaining a new copy of the report but does not know if it will be operable.

Accordingly, the Government proposes to update the Court within 30 days regarding whether this additional review and production process is complete, and addressing any outstanding issues.

Respectfully submitted,

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cc: Counsel of Record (via ECF)